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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

OREGON PRESCRIPTION DRUG  
MONITORING PROGRAM, an agency of the  
STATE OF OREGON,

Plaintiff,

v.

UNITED STATES DRUG ENFORCEMENT  
ADMINISTRATION, an agency of the  
UNITED STATES DEPARTMENT OF  
JUSTICE,

Defendant.

Case No. 3:12-cv-02023-HA

PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT

Plaintiff Oregon Prescription Drug Monitoring Program moves for summary judgment under Federal Rule of Civil Procedure 56(a) on one of two grounds:

1. A judgment that the Controlled Substances Act does not preempt ORS 431.966(2)(a)(C) except as to the state requirement of probable cause. PDMP is

not lawfully permitted to produce records in response to the DEA's administrative subpoenas until those subpoenas are enforced by a "valid court order . . . in an authorized drug-related investigation involving a person to whom the requested information pertains."

2. In the alternative: A judgment that PDMP lawfully *may* decline to produce records in response to a DEA administrative subpoena until the DEA obtains a court order enforcing the specific administrative subpoena in question. Where the DEA obtains such an order, PDMP must comply with it.

In support of this motion, plaintiff relies on the attached Memorandum of Law, the Declaration of Nina Englander, and Exhibits A-F to the Declaration of Nina Englander.

DATED June 14, 2013.

Respectfully submitted,

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